IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition Nos.15504, 15509, 15520, 15543 and 15544 of 2007

MONDAY, THE TWENTY THIRD DAY OF JULY TWO THOUSAND AND SEVEN

Between:

Kamanadula Lakshmi Narayanamma,
W/o. Kondala Rao, aged about 65 years,
Guru Peeta Adhikarini of Acahala
Paripoorna Sri Sivarama Dixita Sampradaya
Achala Paripoorna Sri Nirmalamba Mandiramu,
D.No.2-113, Jakkampudi village, Vijayawada
Rural Mandal, Krishna District.

… Petitioner

And

The District Collector, Krishna District,
Machilipatnam, and others.

… Respondents

Common Order:

All these writ petitions are filed questioning the notification dated 29-06-2007, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the L.A.Act'), totally notifying the land to an extent of Ac.74-75 cents situated at Jakkampudi village, Vijayawada Rural

Mandal, Krishna District, for public purpose, namely, for construction of houses for Urban Public under Jawaharlal Nehru National Urban Revival Mission Scheme.

2. In the impugned notification, the lands totally admeasuring Ac.74-75 cents situated at Jakkampudi village, Vijayawada Rural Mandal, Krishna District are notified. So far as the petitioners in these writ petitions are concerned, they are aggrieved by the notification only to an extent of land admeasuring Ac.2.45 cents covered by Sy.No.249/2 of Pallam. It is the grievance of the petitioners that though under Section 4(1) of the L.A.Act notification, one Lalukhan is shown as Pattadar and Patan Bikku Galib Saheb is shown as possessor, but however, it is stated that one Mr.Banda Suryanarayana has purchased the above extent of land from its earlier owner by a registered sale deed in the year 1978 and by obtaining lay out from the local authority i.e., Gram Panchayat, he converted the said land into plots and sold to various persons and all the petitioners herein purchased plots and constructed residential houses therein.

3. It is the grievance of the petitioners that in view of the notification under Section 4 (1) of the L.A.Act, though they have constructed houses in their respective lands and residing therein, respondents are interfering under the guise of survey and threatening them with eviction also.

4. Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition.

5. A reading of the notification under Section 4(1) of the L.A.Act shows that the Revenue Divisional Officer, Vijayawada is appointed as an Officer to conduct enquiry under Section 5-A of the L.A.Act on

behalf of the District Collector. It is clear from the notification that it is not a case where an urgency clause is invoked under Section 17(4) of the L.A.Act, however, an enquiry is being conducted under Section 5-A of the L.A.Act. As it is the case of the petitioners that they have purchased various house plots in the layout covered by Sy.No.249/2 in an extent of Ac.2-45 cents, which was granted by the competent authority, they can very well raise their objections, if any, before the enquiry, which is being conducted under Section 5-A of the L.A.Act. As much as enquiry is being conducted under Section 5-A of the L.A.Act, unless it is concluded and declaration is issued under Section 6 of the Act, no steps can be taken by the respondents to dispossess the petitioners, who claim to be the occupants covered by houses in Sy.No.249/2. If the petitioners have any objections, they can very well raise such objections in the enquiry being conducted under Section 5-A of the L.A.Act.

6. In the circumstances, I dispose of the writ petitions permitting the petitioners to put forth their objections by way of representations in the enquiry being conducted under Section 5-A of the L.A.Act, with reference to their claims, title and possession within the land covered by Sy.No.249/2 admeasuring Ac.2.45 cents within a period of two weeks from the date of receipt of a copy of this order, and if such representations and objections are filed by the petitioners, the second respondent-Revenue Divisional Officer and Land Acquisition Officer shall conduct enquiry by issuing notice to them by following the provisions contained under Section 5-A of the L.A.Act, and pass appropriate orders. Unless such objections are considered and order under Section 5-A of the L.A.Act is communicated to the petitioners, no steps shall be taken against the petitioners for their eviction. However, if no objections are filed by the petitioners in the enquiry under Section

5-A of the L.A.Act, or subject to outcome of the enquiry, it is open for the respondents to take further steps in accordance with the L.A.Act the Rules made thereunder.

7. The writ petitions are accordingly disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 23, 2007
MRR